

# Legislative Tracking



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**24 June 2015**

**ConsultantPlus: document of the day**

<http://www.usoft.ru/news/law/docofaday/8609/>

### **Calculating VAT on the basis of air tickets**

In this letter, it is reported that when paying for employees' flights to business trip locations and back, organisations recover VAT on the basis of the flight tickets on which the amount of VAT is indicated in a separate line.

Federal Tax Service Letter No. GD-4-3/8565 of 21 May 2015

**24 June 2015**

**ConsultantPlus**

<http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=QUEST;n=146866>

### **Deducting interest on controlled debt in case of negative net assets**

In this letter, it is explained that in case the taxpayer has negative net assets at the end of a reporting/tax period, then the maximum amount of deductible interest on controlled debt equals zero. In such a case, the whole amount of interest is treated as dividends and is not deducted as expense. Please note that the ministry has previously taken similar positions.

RF Ministry of Finance Letter No. 03-08-05/31748 of 2 June 2015

**25 June 2015**

**RBCDaily**

<http://www.rbcdaily.ru/economy/562949995781618>

### **Application of thin capitalisation rules**

It is reported that the RF Ministry of Finance is preparing amendments to draft law No. 724609-6 "On the introduction of amendments to Article 269 of the second part of the RF Tax Code in regard to defining the concept of controlled debt", which regulate the specifics of deducting interest on controlled debt. In particular, the concept of a 'test of the primary intent' is to be introduced in accordance with which thin capitalisation rules may be applied in case it is proven in a court that a taxpayer artificially organised its financing system with the aim of avoiding the application of the thin capitalisation rules. Please note the first edition of draft law has been already adopted by the RF State Duma at its first reading.

**25 June 2015**

**Kommersant**

<http://www.kommersant.ru/doc/2754031>

### **New single portal for draft regulations**

It is reported that the RF Ministry of Economic Development has launched a single information platform for the evaluation of the regulatory impact of regulations of state authorities - <http://orv.gov.ru>. The new resource is integrated with the portal <http://regulation.gov.ru> and with 85 regional sites. A system of evaluation of the actual impact of regulations on business is planned for certain regions of Russian from the beginning of 2016. The rules for evaluating the actual impact of regulations will comprehensively enter into force on 1 July 2016.

**No. 11 June 2015**

**Russian tax courier**

Pages 8, 35, 49, 64, 75, 78, 84

### **Property tax on equipment requiring installation**

In this letter it is reported that equipment requiring installation and acquired from a related party is subject to corporate property tax.

RF Ministry of Finance Letter No. 03-05-05-01/17289 of 30 March 2015

### **Sending e-receipts on the reception of documents from the tax authorities**

In this letter it is reported that organisations may send e-receipts on the reception of documents from the tax authorities not only from their offices.

Federal Tax Service Letter No. ED-4-15/6906@ of 22 April 2015

### **Restoration of VAT**

In this letter it is reported that when selling fixed assets which are subject to VAT, organisations are not obliged to restore the amounts of tax previously recovered on any given fixed asset.

RF Ministry of Finance Letter No. 03-07-11/422 of 15 January 2015

### **Calculating depreciation on completely depreciated fixed assets**

In this letter it is reported that organisations must resume the calculation of the depreciation on a completely depreciated fixed asset after the end of its period of reconditioning.

RF Ministry of Finance Letter No. 03-03-06/1/15234 of 25 March 2015

### **Restoration of VAT recovered when returning advance payments**

In this letter, it is reported that in the case of the return of an advance payment to a purchasing organisation by a selling organisation, which has not fulfilled its contractual obligations, the purchasing organisation must restore the VAT recovered during the transfer of the advance payment.

RF Ministry of Finance Letter No. 03-07-11/1697 of 22 January 2015

### **Deducting expenses on the development of technical re-equipment projects for fixed assets**

In this Resolution it is stated that organisations may not deduct expenses on the development of technical re-equipment projects for fixed assets simultaneously.

Arbitration Court of the West-Siberian District Resolution No. F04-17326/2015 of 21 April 2015

### **Recovering VAT**

In this Resolution, it is stated that the application of a number of different methods for the determination of the date of amendment of a VAT invoice cannot be a reason for non-recovery of VAT.

Arbitration Court of the West-Siberian District Resolution No. F04-17563/2015 of 21 April 2015

### **Nondisclosure of tax secrets**

In this letter it is reported that the regime of nondisclosure of tax secrets extends to all entities and individuals that have made inquiries with the tax authorities.

RF Ministry of Finance Letter No. 03-02-08/6483 of 13 February 2015

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